THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15466 OF 2005

ORDER:

This Writ Petition is filed aggrieved by the alleged action of the respondents in seeking to evict the petitioner and in proposing to conduct public auction on 18.7.2005 in respect of leasehold rights of the land in possession of the petitioner.

The petitioner claims to be the cultivating tenant in respect of Ac.2.22 cents of land situated in Sy.No.390/2 of Nangegadda village, Nagayalanka Mandal, Krishna District, belonging to Sri Veerabhadraswamyvari Temple, Nangagadda. When the 4th respondent issued notice dated 14.5.2003 cancelling the lease in respect of said land and proposing to conduct auction in respect of leasehold rights of the land on 2.7.2003, the petitioner earlier filed W.P.No.12622 of 2003. The said Writ Petition was disposed of by this Court with a direction to the Assistant Commissioner, Endowments, to enquire into the claim made by the petitioner that he is a landless poor. Accordingly, he made a claim before the 2nd respondent-Assistant Commissioner, Endowments, However, the 2nd respondent failed to give an opportunity of personal hearing and concluded that the petitioner is not a landless poor. In pursuance of the said order of the 2nd respondent dated 15.6.2005, the 4th respondent proposed to conduct auction in respect of leasehold rights of the land on 18.7.2005. Aggrieved by the said action, this Writ Petition is filed.

On behalf of the 4th respondent a counter-affidavit has been filed contending *inter alia,* that the auction was proposed to be held in pursuance of the order dated 15.6.2005 passed by the 2nd respondent holding that the petitioner was not a landless poor person, and since admittedly, against the said order an alternative remedy of appeal is provided under the statute, without exhausting the said remedy, the petitioner cannot maintain the present Writ Petition.

I find force in the said contention raised by the respondents. Under Rule 4 of the Rules made under G.O.Ms.No.379 Revenue (Endowments-I) Department, dated 11.3.2003, called A.P. Charitable and Hindu Religious Institutions and Endowments

(Lease of Agricultural Lands) Rules, 2003 against the order of the 2nd respondent-Assistant Commissioner, Endowments, an appeal lies to the Regional Joint Commissioner. Without exhausting such an efficacious alternative remedy of appeal, the petitioner cannot maintain this Writ Petition. Accordingly, I am of the view that it is not necessary for this Court to go into the merits of the case, and suffice it to dispose of the Writ Petition granting liberty to the writ petitioner to file an appeal against the order dated 15.6.2005, within a period of four weeks from the date of receipt of this order. If an appeal is filed within the time stipulated above, the same shall be considered and decided in accordance with law, as expeditiously as possible, preferably within a period of six weeks thereafter. Till such appeal is decided, status quo obtaining as on to day as to the nature and possession of the land in question shall be maintained.

The Writ Petition is accordingly disposed of. No costs.

26th September, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15466 OF 2005

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26.09.2005

Between:

Sanaka Subrahmanyeswara Rao. .. Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary, Revenue
(Endowments-I), Department,
Secretariat Buildings, Hyderabad and
three others. .. Respondents.